

August 8, 2005

Mr. Gerald Paige
Essex Valley Medical Transport
80 S. Munn Avenue
East Orange, NJ 07208

**Re: Notice of Proposed Assessment of Penalties:
Basic Life Support Provider**
Investigation Control #05-B-004

Dear Mr. Paige:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1, et seq., which was enacted, in part, to ensure that hospital and related health care services rendered to New Jersey's citizens are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include non-volunteer pre-hospital basic life support ambulance services and mobility assistance vehicle providers, such as Essex Valley Medical Transport. I apologize for the delay in this notice.

Additionally, N.J.S.A. 26:2H-5 grants the Commissioner of Health and Senior Services the power to inquire into health care services and to conduct periodic inspections with respect to the fitness and adequacy of the equipment and personnel employed by those services. As such, in furtherance of each of the aforementioned statutory objectives, the Department of Health and Senior Services adopted regulations that govern the licensure and inspection of basic life support and mobility assistance vehicle service providers and their vehicles. Those regulations are set forth in their entirety at N.J.A.C. 8:40-1.1, et seq.

On June 9, 2004, at approximately 12:40 P.M., staff of this Department's Office of Emergency Medical Services (OEMS) conducted an unannounced vehicle inspection of Essex Valley vehicle #20, New Jersey license plate #NF19553, which was parked at the East Orange General Hospital in East Orange, New Jersey.

The vehicle inspection revealed the following deficiencies:

1. The vehicle exhaust pipe was approximately one to one and one half feet under the vehicle;
2. No fire extinguisher was found on the vehicle;
3. The on-board oxygen liter flow regulator failed to meet the minimum pneumatic ratings;
4. The portable suction unit failed after ten minutes of operating and did not maintain the suction values for the full 20 minutes;
5. The air conditioning unit in both the patient's and driver's compartment was not functioning properly;
6. The floor in the patient's compartment had multiple cracks and holes; and
7. A cabinet in the patient's compartment was missing a positive latching mechanism.

As you should know:

1. N.J.A.C. 8:40-4.8(a)2 which states, "the vehicle exhaust system shall extend beyond the sides of the vehicle and away from the fuel tank filler pipes and doors."
2. N.J.A.C. 8:40-4.4(h)2 which states in relevant part, "each vehicle shall be equipped with the following minimum safety equipment: One fire extinguisher, U.L. rated at least 2A 10BC or 3A 40BC."
3. N.J.A.C. 8:40-6.6(a)2 which states "each oxygen system shall have an oxygen flow meter. Each flow meter shall have a gauge or dial with a range of at least 0 to 15 liters per minute (lpm) in calibrated increments. The flow meter on the portable system shall not be gravity dependent. Flow meters shall be accurate to within 1.0 lpm when at a setting equal to or less than 5.0 lpm, 1.5 lpm when at a setting between 6.0 lpm and 10 lpm, and within 2.0 lpm when at a setting equal to or greater than 11 lpm. Non-dial-type flow meters shall take at least one full turn to go from 0 to 15 lpm. Indicators on dial-type flow meters shall be securely seated at each flow rate position."
4. N.J.A.C. 8:40-6.7(a)3 which states in relevant part, "the aspirator shall provide a flow rate of at least 25 liters per minute at the end of the suction tube and a vacuum pressure of at least 300 mmHg within four seconds and a maximum vacuum pressure of at least 400 mmHg for at least 20 minutes."
5. N.J.A.C. 8:40-4.6(a) which states, "each vehicle shall have a functional heater and air conditioner."

6. N.J.A.C. 8:40-4.4(e)4 which states, “the floor shall have a flat, even, unbroken and impervious surface and shall be covered with a slip resistant material.”

7. N.J.A.C. 8:40-4.4(e)6 which states, “all cabinet doors, except a sliding door, shall have a positive latching mechanism that shall hold the door securely closed and shall prevent the contents of the cabinet from pushing the door open from the inside.”

Pursuant to N.J.A.C. 8:40-7.2(c), violation of any portion of N.J.A.C. 8:40 by a provider may be cause for action against the provider, including, but not limited to, suspension or revocation of a provider’s license, a formal written warning, monetary penalty, placing the provider’s vehicle in “Department-Initiated-Out-of-Service” (DIOOS) status, placing of conditions for continued operation by the provider and/or refusal to issue or renew a license.

Therefore, in accordance with N.J.A.C. 8:40-7.2(e)9, you are hereby assessed a penalty of \$250 for violations #1 thru #4 as noted above, for a total penalty of \$1,000. With respect to violations #5 thru #7, I am issuing a formal warning that the Department may impose a monetary penalty if such violations are found during the course of any future inspections.

A certified check or money order in the amount of \$1,000 made payable to “Treasurer, State of New Jersey” must be submitted within 30 days from the date of this Notice. In accordance with N.J.A.C. 26:2H-16 and N.J.A.C. 8:40-2.14(f), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey, pursuant to the Department, to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, New Jersey 08625-0360
Attn: Ms. Karen Halupke

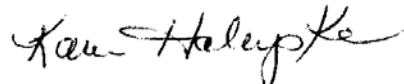
Pursuant to N.J.A.C. 26:2H-13 and N.J.A.C. 8:40-2.15, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing must be submitted in writing and must be accompanied by a response to each of the charges noted above. In the event that you request a hearing, the penalty shall be held in abeyance until such time as the hearing has been conducted and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice, and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, New Jersey 08625-0360
Attn: Michele Stark

Please include the control #05-B-004 on all correspondence. **Finally, failure to request a hearing within 30 days of this Notice shall render this Notice final, and the entire \$1,000 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Samuel Stewart at (609) 633-7777.

Sincerely,



Karen Halupke, R.N., M.Ed
Director, Emergency Medical Services

c. Michele Stark, L&RA
Charles McSweeney, OEMS
Samuel Stewart, Esq., OEMS

VIA REGULAR U.S. MAIL
AND CERTIFIED MAIL #7002 2410 0003 3470 5736
RETURN RECEIPT REQUESTED

